

## **Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for the  
South Valley Organics Composting Facility

SWIS No. 43-AA-0017

July 30, 2015

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Santa Clara County Department of Environmental Health Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the South Valley Organics Composting Facility, SWIS No. 43-AA-0017, located in Santa Clara County and owned and operated by Recology Pacheco Pass. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on June 22, 2015. A new proposed permit was received on July 29, 2015. Action must be taken on this permit no later than September 27, 2015. If no action is taken by September 27, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Design average daily tonnage (5 day/week)	450 Tons/Day	Removed reference to average tonnage
Permitted Maximum Tonnage	(Maximum Tons per Operating Day) 750	750 Tons/Day
Permitted Vehicles	260 Vehicles/Day	341 Vehicles/Day SVO subset traffic volume: 64 vehicles per day at peak tonnage levels The total of 341 vehicles per day includes the transfer station, the compost facility, and the wood processing facility. The composting facility traffic will be a subset of the total RPP traffic. Each vehicle in the total includes both inbound and outbound trip (roundtrip).
Permitted Area	18.3 Acres	46 Acres

Other Changes include:

1. Updates to the documents that describe and/or restrict the operation of the facility i.e. Report of Composting Site Information (March 2015), Conditional Use Permit (February 2014), Waste Discharge Requirements (May 2011);
2. Updated permit conditions correcting outdated language.

**Key Issues:**

The proposed permit will allow for the following:

1. Increase the total SWFP permitted boundary from 18.3 acres to 46 acres. The permitted boundary will be expanded to include existing ancillary facilities such as the scale house, retention ponds, and pipelines which serve South Valley Organics compost operations. Composting activities remain restricted to the existing western compost pad and eastern expansion area, yielding a total area of approximately 18.3 acres.
2. Increase the permitted traffic volume from 260 vehicles per day to 341 vehicles per day. The total of 341 vehicles per day includes the composting facility, the transfer station, and the wood processing facility (all three facilities have their own individual Solid Waste Facility Permits).

**Background:**

South Valley Organics Compost Facility is an existing permitted composting facility located on the Recology Pacheco Pass (RPP) property, which is in an unincorporated area of Santa Clara County. Operations on the RPP include the South Valley Organics Compost Facility, Recology Pacheco Pass Landfill (closed), Recology Pacheco Pass Wood Processing Facility, and Pacheco Pass Transfer Station (permitted but not constructed). The current permitted boundary for the composting facility is approximately 18.3 acres, and consist of areas for compost windrows, curing piles, and compost storage as well as processing activities including unloading, mixing, and grinding of incoming feedstock. The proposed revision to the SWFP aims to update the permitted boundary for the entire South Valley Organics Compost Facility which spans approximately 46 acres, and includes the Wood Processing Facility and the proposed Transfer Station area. Other existing features include: a scale house, truck scale, equipment maintenance compound, paved all-weather roadways, 0.4 acre storm-water detention basin, a 1 acre lined compost pad containment pond, a 6,000 square foot lined containment pond, a series of aboveground storage tanks, miscellaneous storage containers for equipment and parts, and three-compartment hazardous material storage bin. Each of these features support existing compost operations and are situated within the proposed expanded SWFP boundary.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The

documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 20, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on October 8, 2014. The LEA provided a copy to the Department on February 4, 2015. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 29, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 21, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in the memorandum dated July 23, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 14, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 21, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on May 5, 2015. No comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 14, 2015 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the Compost Facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2015
  - No violations were noted for the first 6 months of the year.
- 2014
  - One violation of Title 14 CCR Section 17863 – Report of Composting Site Information.
  - One violation of Title 14 CCR Section 17867 (a) (10) – Physical Contamination Refuse Removed.
  - One violation of Title 14 CCR Section 17867 (a) (13) – Physical Contamination Prevented or Removed.
- 2013
  - One violation of Title 14 CCR Section 17867 (a) (2) – Vectors/Odor/Litter/Hazard/ Nuisance/Noise/Dust.
- 2012
  - Five violations of Title 14 CCR Section 17863 – Report of Composting Site Information.
  - Two violations of PRC 44014 (b) - Operator Complies with Terms and Conditions with the SWFP.
  - Two violations of Title 14 CCR Section 17866 – General Design Requirements.
- 2011
  - Two violations of Title 14 CCR Section 17863 – Report of Composting Site Information.
  - One violation of Title 14 CCR Section 17867 (a) (8) – Fire Prevention, Protection and Control.
- 2010 - No violations were noted.

All violations were corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental

impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Santa Clara, Department of Planning and Development, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase the total permitted area from 18.3 acres to 46 acres. The permitted boundary will be expanded to include existing ancillary facilities such as the scale house, retention ponds, and pipelines which serve South Valley Organics compost operations.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2002022005, was circulated for a 30 day comment period from February 4, 2002 to March 5, 2002. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on April 19, 2002.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the 2002 MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP because there are no new significant environmental effects associated with the current project. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on May 5, 2015, at 1351 Pacheco Pass Road, in the City of Gilroy. No members of the public were in attendance. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 16, 2015 and July 21, 2015.